

REMARKS

Claims 2-6 and 12-32 are currently pending in this application, with claims 28 and 29 having been withdrawn. Upon entry of the above amendments, claims 1, 7-11, and 28 have been cancelled. Claims 14, 16-17, 19, 21-22, 24, and 26-27 have been amended. Applicants respectfully request entry of the above amendments and submit that the above amendments do not constitute new matter.

Claim Objections

The Office Action states that claim 19 is objected to under 37 CFR § 1.75(c), as allegedly being of improper dependent form for failing to further limit the subject matter of the previous claim. Upon entry of the above amendments, Applicants have amended claim 19 to depend from claim 2. Applicants respectfully submit that, in view of this amendment, the objection to claim 19 is obviated.

Rejections under 35 U.S.C. § 102

The Office Action states that claim 28 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the 1991 GIBCO BRL Supplement and Price List. Upon entry of the above amendments, Applicants have cancelled claim 28. Applicants respectfully submit that, in view of this cancellation, the rejection to claim 28 is moot.

Rejections under 35 U.S.C. § 112, first paragraph

The Office Action states that claims 17 and 22 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

With regard to claim 17, the Office Action states that the phrase, “wherein said proteins are variants of a protein or variants of a collection of proteins,” allegedly recites too large a genus as Applicants have allegedly not presented a representative sample of protein variants. Upon entry of

the above amendments, Applicants have amended claim 17 to recite, “wherein said proteins are *different mutations* of a protein or *different mutants* of a collection of proteins.” Applicants respectfully submit that basis and disclosure for “different mutants” is provided in the specification. Examples of this basis and disclosure can be found, for instance, as page 21, beginning at line 11, which states:

The gene(s) corresponding to this variant or these variants can be contained for example in a single initial nucleic acid sample. By way of example of this application of the process of the invention, the different mutants of the HIV protease gene contained in a sample of a patient infected by this virus can be cited. The implementation of the process of the invention then consists of carrying out each step (a) with each one of the mutants of said gene in such a way as to express each one of them separately. The separation of the mutants contained in the sample can be carried out by cloning, extreme dilution, or by any other method known to a person skilled in the art.

Accordingly, Applicants respectfully submit that the rejection of claim 17 is obviated by the amendment.

With regard to claim 22, the Office Action rejected claim 22 as depending from claim 17 which was a rejected claim. Upon entry of the above amendments, claim 22 has been amended to depend from claim 18—a claim that has been allowed. Accordingly, Applicants respectfully submit that the rejection of claim 22 is moot.

Rejections under 35 U.S.C. § 112, second paragraph

The Office Action states that claims 14, 16-17, 21-22, 24, and 26-27 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

With regard to claim 14, the Office Action alleges that the phrase, “or from a phylogenetically close organism,” is indefinite. Upon entry of the above amendments, the phrase, “or from a phylogenetically close organism,” has been deleted from claim 14. Accordingly, Applicants respectfully submit that the rejection of claim 14 is moot.

With regard to claim 16, the Office Action alleges that the phrases “can be” and “more adapted” are unclear. Upon entry of the above amendments, the phrase “can be” has been replaced with the term “is”. The phrase, “or another ribosome binding site more adapted to the translation of step (c),” has been deleted. Accordingly, Applicants respectfully submit that the rejection of claim 16 is obviated.

With regard to claims 17 and 22, as discussed above with regard to the rejections under 35 U.S.C. § 112, first paragraph, Applicants respectfully submit that the rejections of claims 17 and 22 have been obviated and rendered moot, respectively.

With regard to claim 21, the Office Action alleges that the phrase “similar to” is indefinite. Upon entry of the above amendments, claim 21 has been amended to replace the phrase “similar to” with the phrase “corresponding to”. Accordingly, Applicants respectfully submit that the rejection of claim 21 is obviated.

With regard to claim 24, the Office Action alleges that the entities “physico-chemical conditions, radiation, or thermal treatments” render the claim confusing. Upon entry of the above amendments, the phrase, “physico-chemical conditions, radiation, or thermal treatments,” has been deleted from claim 24. Accordingly, Applicants respectfully submit that the rejection of claim 24 is moot.

With regard to claims 26 and 27, the Office Action alleges that the phrase in claim 26, “to the transcription and to the translation,” is confusing. Claim 27 was rejected as depending from rejected claim 26. Upon entry of the above amendments, claim 26 has been amended to replace “to the transcription and to the translation” with “transcription and translation steps”. Claim 27 has correspondingly been amended to correct term usage in view of the amendments to claim 26. Accordingly, Applicants respectfully submit that the rejection of claims 26 and 27 are obviated.

CONCLUSION

Applicant respectfully requests entry of the above claim amendments. In view of the above claim amendments and remarks, early notification of a favorable consideration is respectfully requested. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0206.

Respectfully submitted,

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By: _____

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